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### LOK SABHA

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The following Report of the Joint Committee on the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters was presented to Lok Sabha on the 15th April, 1963:—

#### Composition of the Joint Committee

##### *Lok Sabha*

Shri S. V. Krishnamoorthy Rao—*Chairman*

##### MEMBERS

2. Shri R. Achuthan
3. Shri Ramchandra Vithal Bade
4. Shri Laxmi Narayan Bhanja Deo
5. Shri Brij Basi Lal
6. Sardar Buta Singh
7. Dr. Antonio Colaco
8. Sardar Daljit Singh
9. Shri Dasaratha Deb
10. Shri Surendranath Dwivedy
11. Dr. P. D. Gaitonde
12. Shri R. M. Hajarnavis
13. Shri Gauri Shanker Kakkar
14. Shri R. Keishing
15. Shrimati T. Lakshmi Kanthamma
16. Shri Lalit Sen

17. Shri R. N. Yadav Lonkar
  18. Dr. Mahadeva Prasad
  19. Shri Dhuleshwar Meena
  20. Shri Mohammad Yusuf
  21. Shri H. N. Mukerjee
  22. Shri Pratap Singh
  23. Shri Man Sinh P. Patel
  24. Shri R. V. Reddiar
  25. Shri Sanji Rupji
  26. Shri Era Sezhiyan
  27. Shri S. T. Singh
  28. Shri Hari Charan Soy
  29. Shri N. M. Wadiwa
  30. Shri Lal Bahadur Shastri
- Rajya Sabha*

31. Shri Abid Ali
32. Shri Anand Chand
33. Shri Tarit Mohan Dasgupta
34. Shri R. S. Doogar
35. Shri B. K. Gaikwad
36. Shri Jairamdas Daulatram
37. Shri D. P. Karmarkar
38. Shrimati Lakshmi N. Menon
39. Prof. Mukut Behari Lal
40. Shri Mahesh Saran
41. Shri M. N. Govindan Nair
42. Shri G. Rajagopalan
43. Shri Shiva Nand Ramaul
44. Shri L. Lalit Madhob Sharma
45. Shri Sheel Bhadra Yajee

DRAFTSMEN

1. Shri S. P. Sen Varma, *Joint Secretary, Legislative Department, Ministry of Law.*
2. Shri K. K. Sundaram, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

### **Report of the Joint Committee**

I, the Chairman of the Joint Committee to which the Bill\* to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters was referred, having been authorised to submit the report on their behalf, present this their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in Lok Sabha on the 21st February, 1963. The motion for reference of the Bill to a Joint Committee of the Houses was moved in Lok Sabha by Shri R. M. Hajarnavis, Minister of State in the Ministry of Home Affairs, on the 16th March, 1963 and was discussed on that day and adopted on the 18th March, 1963.

3. Rajya Sabha discussed and concurred in the said motion on the 20th March, 1963.

4. The message from Rajya Sabha was reported to Lok Sabha on the 22nd March, 1963.

5. The Committee held five sittings in all.

6. The first sitting of the Committee was held on the 23rd March, 1963 to draw up their programme of work.

7. Ten memoranda or representations on the Bill were received by the Committee from different associations/individuals.

8. At their second sitting held on the 8th April, 1963, the Committee decided to hear evidence of four Councillors of Pondicherry, then present in Delhi, as Pondicherry is not represented in Parliament at present.

Accordingly, at this sitting the Committee heard the evidence given by the four Councillors of Pondicherry.

9. The Committee considered the Bill clause by clause at their sittings held on the 8th, 9th and 10th April, 1963.

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\*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 21st February, 1963.

10. The Committee considered and adopted the Report on the 13th April, 1963.

11. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

12. *Clause 2.*—The Committee are of the opinion that this clause should be amplified to make it clear that the term "Administrator" would mean the Administrator appointed under article 239 of the Constitution with such designation as the President may specify.

The clause has been amended accordingly.

13. *Clause 3.*—The Committee feel that the maximum number of nominations that may be made to the Legislative Assembly of a Union territory may be increased from 2 to 3 so that Government may have wider scope for giving representation.

The Committee also feel that the principle of reserving seats for Scheduled Castes and Scheduled Tribes on population basis should be applied to all the territories except the Union territory of Goa, Daman and Diu. In the case of this territory, there has been no census enumeration of Scheduled Castes and Scheduled Tribes and if this process is undertaken now, the holding of elections may be delayed. Moreover, the number of persons belonging to these communities is not expected to be large.

The clause has been amended accordingly.

14. *Clause 10.*—The Committee consider that the Administrator should not have the right to speak in or otherwise to take part in the proceedings of Legislative Assembly of the Union Territory or any of its Committees.

The clause has been amended accordingly.

15. *Clause 12.*—Sub-clause (4) of this clause provides that the quorum to constitute a meeting of the Legislative Assembly of a Union Territory shall be ten members or one-third of the total number of members of the Assembly, whichever is greater. The Committee are of the view that having regard to the total strength of the Legislative Assemblies it is not necessary to lay down ten members as one of the alternative limits for a quorum and the provision of one-third of the total number of members of the Assembly "to constitute the quorum for a meeting" would be adequate.

The clause has, therefore, been suitably amended.

16. *Clause 18.*—The amendment made in the clause is clarificatory in nature.

17. *Clause 33.*—Consequent to the amendment made by the Committee in clause 10, the Administrator will not have the right to participate in the proceedings of the Assembly. The Committee, therefore, feel that a provision should be made for making rules prohibiting in the Legislative Assembly of a Union Territory any discussion of, or the asking of questions on, any matter which affects the discharge of the functions of Administrator in so far as he is required by the Act to act in his discretion. These rules should be framed by the Administrator after consultation with the Speaker of the Legislative Assembly and with the approval of the President.

Suitable provision has been made accordingly.

18. *Clause 34.*—The Committee feel that in view of the provisions of clause (2) of Article 239A of the Constitution, the words "Notwithstanding anything in Part XVII of the Constitution but subject to the provisions of article 348" in this clause are not necessary. These words have accordingly been omitted.

19. *Clause 44.*—The Committee are of the view that the Administrator of a Union Territory should not preside at meetings of the Council of Ministers.

Original sub-clause (2) has accordingly been omitted.

The Committee also feel that the proviso to sub-clause (4) [original sub-clause (5)] is unnecessary. It has, therefore, been omitted.

20. *Clauses 54, 56 and 57.*—The amendments made in these clauses are clarificatory in nature.

21. The Joint Committee recommend that the Bill, as amended, be passed.

NEW DELHI;

The 13th April, 1963.

| S. V. KRISHNAMOORTHY RAO,

Chairman, Joint Committee.

## MINUTES OF DISSENT

## I

The majority of the Committee recommend that under clause 3 the maximum number of nominations to the Legislative Assembly of a Union territory be increased from 2 to 3. We are of the opinion that the Legislative Assembly should be composed of only elected members. Sub-clause (3) of clause 3 should, therefore, be deleted.

We agree with amendments proposed to clause 44. But we are convinced that to ensure smooth and proper working of administration, this clause requires to be further amended. Under clause 44 the Administrator of each of the Union territories of Himachal Pradesh, Manipur and Tripura shall have special responsibility for the security of the border, and he shall, in the exercise of his function in regard to matters pertaining to special responsibility, act in his discretion. It is further proposed by the Committee that under clause 33, the Administrator be empowered to make rules for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the function of the Administrator in so far as he is required by this Act to act in his discretion. We feel that matters concerning Administrator's special responsibility should also be within the purview of the Legislative Assembly and the Council of Ministers of the Union territory concerned, but the Administrator be empowered to differ from his ministers and issue such directions and take such measures as he may himself think necessary. The special power with regard to special responsibility should be exercised by the Administrator the way it was exercised by the Governor in his individual judgment under the Government of India Act, 1935. To ensure it, clause 44 will have to be redrafted and proposed sub-clause (1) (c) of clause 33 will have to be dropped.

We also feel that the following words from the proviso to sub-clause (1) of clause 44 be dropped:—

“and pending such decisions it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.”

The representative system which is proposed to be set up under this legislation cannot function smoothly in case the Administrator is allowed to act against the wishes of the minister responsible to the Legislative Assembly in any and every matter under the plea of urgency.

We further wish to point out that in our opinion Territorial Council should not be allowed to function for more than 6 months as Legislative Assemblies and that within the period new Legislative Assemblies be elected in accordance with the provisions of the new Act. This is necessary to afford to the people of Union territories concerned opportunity to elect representatives whom they wish to entrust the responsibilities of administration under this Act.

NEW DELHI;  
*The 13th April, 1963.*

MUKUT BEHARI LAL  
SURENDRANATH DWIVEDY

## II

I am of the view that clause 1(2) is very vague. Some specific date of the enforcement of this Act be mentioned in order to avoid any delay in giving democratic pattern to these Union Territories.

I am totally opposed to the idea of any nomination to an elected assembly but even if as a special case in Union Territories nomination is at all warranted, it should be restricted to certain specific class or classes of persons which should be mentioned in the Act, as in the case of Lok Sabha and other State Assemblies.

Certain members are already nominated in the Territorial Councils and in the present Bill there is nomination of three. There will be more than three nominated members in the first assembly which will be in contravention of clause 3(3).

By the Constitution (Fourteenth Amendment) Act, 1962, a new article 239A was introduced, on which this Bill is based. Clause (1) of that article reads:—

“239A. (1) Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law."

According to this provision, if the present Territorial Councils are to be converted into first Legislative Assemblies, it will be virtually a nomination of the whole body, which, in my opinion, goes against the mandatory provisions of the article. Even if it is not deemed to be a nominated body, the new assembly will not be an elected body and therefore not of the pattern envisaged in article 239A of the Constitution.

The elections to those Territorial Councils were held for a specific purpose under a specific Act.

The elections to the Pondicherry Assembly will be held in 1964 as the term of the present Representative Assembly expires in August, 1964. It is now only for the remaining three Territories of Himachal Pradesh, Manipur and Tripura, where elections were held in 1962, that elections will have to be held. It will not entail much cost and the democratic aspirations of the people of these Territories will not be satisfied if elections are not held.

These two institutions, i.e., Territorial Councils and the Legislative Assemblies, are quite different in power, functions, privileges and composition. The minimum age limit for candidates for the present Territorial Councils is 21 years while, as provided for in this Bill, the minimum age limit for candidates for the Assembly is 25 years.

Because of the very limited powers and functions of the Territorial Councils, many capable people did not contest the elections. They, in the set up given by this Bill, will be interested in the elections. Even the voters did not take much interest in the elections of the Territorial Councils. Now these people will be debarred from contesting the elections to the first Legislative Assembly.

I, therefore, say that elections should be held to all the Assemblies and the present Territorial Councils should not be converted into Assemblies.

NEW DELHI;

GAURI SHANKAR KAKKAR

The 13th April, 1963.

### III

Clause 1(2) is in my opinion very vague. A specific date of the enforcement of this Act should be mentioned in order to avoid any delay in giving democratic pattern to the Union territories.



Clause 3(3) of the Bill gives the Central Government power to nominate three people to the Legislative Assemblies of these territories. I am totally against the idea of nomination. If the Government feels that the elected seats are less, they may be increased by three. But even if as a special case in Union territories nomination is at all warranted, it should be restricted to certain interests as are not adequately represented in the Assembly, as is the case in Lok Sabha and other State Assemblies.

Clause 54 of the Bill seeks to convert the present Territorial Councils of the Union Territories of Himachal Pradesh, Manipur, Tripura and Pondicherry into Legislative Assemblies.

The elections to these Territorial Councils were held for a specific purpose and under specific Act. According to this provision, if the present Territorial Councils are converted into Legislative Assemblies, it will be virtually a nomination of the whole body, which in my opinion goes against the mandatory provisions of Article 239A of the Constitution, which reads:

“239A. (1) Parliament may by law create for any of the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case as may be specified in the law.”

The elections to the Pondicherry Assembly will have to be held in 1964 as the term of the present Representative Assembly expires in August, 1964. It is only for the remaining three Territories of Himachal Pradesh, Manipur and Tripura where elections were held in 1962 that elections will have to be held afresh. It will not entail much cost and it will satisfy the democratic aspirations of the people of these territories.

These two institutions i.e. Territorial Councils and the Legislative Assemblies are quite different in power, functions and composition. The minimum age limit for candidates for the present Territorial Councils is 21 years while as given in this Bill the minimum age limit for candidates for the Assembly is 25 years. If clause 54 operates, there can be a case where a person of less than 25 years of age becomes a member of the first Legislative Assembly. Even

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some members of the Territorial Council of Himachal Pradesh have said that there should be fresh elections for the Assemblies.

My contention, therefore, is that fresh elections should be held to all the Assemblies and the present Territorial Councils should not be converted into Assemblies.

Clause 56 of the Bill provides for the removal of difficulties which may arise in giving effect to the provisions of the Act and empowers the President for the same. In my opinion the powers of the President should operate only for a period of one year from the date of commencement of this Act.

NEW DELHI;

BUTA SINGH

*The 13th April, 1963.*

#### IV

We regret that though the Joint Committee has brought about some little improvement in the Bill as originally formulated, it still leaves a great deal to be desired. In fact, it suffers from a basic malady, namely, distrust of the people and in consequence, the substantial deprivation, imposed on our people in the Union Territories, of democratic rights which accrue to them *ipso facto* as citizens of free India.

It may be conceded that these territories have peculiar problems on account of geographical, social and economic factors and also, in certain cases, their political background. No serious attempt has, however, been made to evolve a well thought-out pattern of representative and responsible government for such 'problem' areas. Indeed, no better course is being adopted than a bad throw-back to the old 'Part C' States system, sometimes even with worse effect.

Of the Union Territories, Himachal Pradesh, Manipur and Tripura are situated on our borders. For objective reasons, the country has agreed that they should remain separate administrative entities. But it is shortsighted to try to found the security of these border areas on administrative control by the Centre rather than on the patriotic exhilaration that only full democratic rights can evoke. The profound devotion of the people in these border areas to the cause of the unity and integrity of India is beyond question and has been amply demonstrated. To subject them to political deprivation, as this Bill does unfortunately, cannot be justified.

The memorandum of the Himachal Pradesh Congress Committee asks for complete restoration of democratic rights, but it is not being conceded. In Manipur and Tripura, people of all parties and persuasions have fought for full democracy, but it is being denied them. We fear this kind of thing, far from helping national integration, will hinder it seriously.

How can Goa, Daman and Diu feel the glow of freedom won after long travail, if, as under the provisions of the Bill, the territory is kept in political swaddling clothes? Free of the clutches of France, Pondicherry hopes naturally for wider vistas of freedom which, however, is withheld. And the people who live in Delhi and its environs must remain content with something like second-class citizenship.

The proposed Legislative Assemblies in the Union Territories are found, on scrutiny, to have very limited authority. Clauses 18 and 21 make it clear that even in regard to matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution, the extent of legislative power is drastically truncated. The heavy hand of the Administrator lies on the Legislative Assemblies almost oppressively. Clause 33(1) (c) prohibits the Assembly from discussing, or even asking questions about matters which fall within the discretionary authority of the Administrator. In case of disagreement between the Administrator and the Ministers, the former's view will prevail, pending decision by the President [Clause 44(1)]. This is virtual negation of the concept of a popular, democratic administration. The Administrator is vested with "special responsibility" for the security of the border, and when he acts in his "discretion" in any sphere whatever, no questions can be raised and his decision is final [Clause 44(2) (3) (4) (5)]. He can, at will, dissolve the Assembly [Clause 6(2) (b)] a power which should have been left only to the President. His sanction is required—it is not clear why—for a whole host of legislative proposals (Clauses 22 and 23). The practically endless connotation of the Administrator's "discretion" (Clause 44) recalls bygone British pro-Consuls and the Government of India Act of 1935 which, ironically, forms a large part of the basis of this Bill.

Out of deference to public feeling in the matter, the Committee has expressed its view that the President should give the Administrator such designation as might be thought fit. To many, the appellation "Administrator" seemed too brusque for sensitive democratic taste and alternatives like "Lieutenant-Governor" and "Chief Commissioner" have been suggested. What matters, however, is the

character of the authority vested in the office. Under whatever name, a rose smells sweet and tamarind sour.

Clause 3(3) enshrines the principle of nomination which we feel, is no longer relevant in democratically elected legislatures. It can only have some justification if the nominating authority is under an obligation to see that the weaker and handicapped sections of society are not denied representation by the pressure of powerful interests. We are not happy that the Committee has preferred to rely only on the good faith of the Central Government in the matter of such nominations. For ourselves, we oppose the principle of nomination, and we can only concede it if there are proper statutory safeguards.

It does not seem reasonable that unlike Pondicherry, the Union Territory of Goa, Daman and Diu will have no representation in the Rajya Sabha (Clause 53). It is somewhat strange also that elections to the Legislative Assembly are to be held only in Goa, Daman and Diu, and not in the other Union Territories (Clause 54, read with Clause 5).

It is a pity that the Joint Committee could not visit at least some of the Union Territories in order to gauge at first hand the feelings of our people there. We have, no doubt, however, that the Bill as it now stands cannot satisfy their aspirations. Instead of full-fledged legislatures with control over a responsible Executive, the Union Territories are asked to make do with little better than glorified district boards, with some of the frills of State Legislatures but little of their power. At a time when contentment of all our people is so urgently needed, this Bill largely fails, in our view, to give the Union territories the satisfaction that the country owes them. We are constrained to have to say this, but we hope, perhaps against hope, that Parliament will thoroughly reshape this legislation.

NEW DELHI;  
*The 14th April, 1963.*

M. N. GOVINDAN NAIR  
H. N. MUKERJEE

Bill No. 5B of 1963

THE GOVERNMENT OF UNION TERRITORIES  
BILL, 1963

ARRANGEMENT OF CLAUSES

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## CLAUSES

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.



Bill No. 5B of 1963

THE GOVERNMENT OF UNION TERRITORIES

BILL, 1963

(AS REPORTED BY THE JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested  
by the Committee; asterisks indicate omissions)

A

BILL

to provide for Legislative Assemblies and Councils of Ministers for  
certain Union territories and for certain other matters.

Enacted by Parliament in the Fourteenth Year of the  
Republic of India as follows:—

PART I

PRELIMINARY

- 5     1. (1) This Act may be called the Government of Union Territories Act, 1963. Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

10     Provided that different dates may be appointed for different provisions of this Act and for different Union territories and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. (1) In this Act, unless the context otherwise requires,—

15     (a) "Administrator" means the administrator of a Union territory appointed by the President under article 239; Definitions  
and inter-  
pretation.

(b) "article" means an article of the Constitution;

(c) "assembly constituency" means a constituency provided under this Act for the purpose of elections to the Legislative Assembly of a Union territory;

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "Judicial Commissioner" includes an Additional Judicial Commissioner;

(f) "scheduled castes" in relation to a Union territory mean such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be scheduled castes in relation to that Union territory;

(g) "scheduled tribes" in relation to a Union territory mean such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be scheduled tribes in relation to that Union territory;

(h) "Union territory" means any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry.

(2) Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances promulgated by the President under article 123 and a reference to Regulations made by the President under article 240.

## PART II

### LEGISLATIVE ASSEMBLIES

Legislative  
Assemblies  
for Union  
territories  
and their  
composition.

3. (1) There shall be a Legislative Assembly for each Union territory.

(2) The total number of seats in the Legislative Assembly of a Union territory to be filled by persons chosen by direct election shall be forty in the case of the Union territory of Himachal Pradesh and thirty in the case of any other Union territory.

(3) The Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of the Legislative Assembly of a Union territory.

(4) Seats shall be reserved for the scheduled castes and the scheduled tribes in the Legislative Assembly of every Union territory other than the Union territory of Goa, Daman and Diu.

(5) The number of seats reserved for the scheduled castes or the scheduled tribes in the Legislative Assembly of any Union territory under sub-section (4) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the scheduled castes in the Union territory or of the scheduled tribes in the Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the Union territory.

(6) Notwithstanding anything in the foregoing provisions of this section, the provisions relating to the reservation of seats for the scheduled castes and the scheduled tribes in the Legislative Assemblies of the Union territories shall cease to have effect on the same date on which the reservation of seats for the scheduled castes and the scheduled tribes in the House of the People shall cease to have effect under article 334:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of a Union territory until the dissolution of the then existing Assembly.

4. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a Union territory unless he—

Qualification for membership of Legislative Assembly.

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;

(b) is not less than twenty-five years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law.

5. The Legislative Assembly of a Union territory, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Duration of Legislative Assemblies.

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

6. (1) The Administrator shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Sessions of Legislative Assembly, prorogation and dissolution.

(2) The Administrator may, from time to time,—

(a) prorogue the Assembly;

(b) dissolve the Assembly.

7. (1) Every Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

Speaker and Deputy Speaker of Legislative Assembly.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, 5  
if such member is the Speaker, to the Deputy Speaker, and if  
such member is the Deputy Speaker, to the Speaker, resign his  
office;

(c) may be removed from his office by a resolution of the  
Assembly passed by a majority of all the then members of the 10  
Assembly:

Provided that no resolution for the purpose of clause (c) shall  
be moved unless at least fourteen days' notice has been given of the  
intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the 15  
Speaker shall not vacate his office until immediately before the first  
meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office  
shall be performed by the Deputy Speaker or, if the office of Deputy  
Speaker is also vacant, by such member of the Assembly as may be 20  
determined by the rules of procedure of the Assembly.

(4) During the absence of the Speaker from any sitting of the  
Assembly, the Deputy Speaker, or, if he is also absent, such person  
as may be determined by the rules of procedure of the Assembly, or,  
if no such person is present, such other person as may be determined 25  
by the Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker  
of the Legislative Assembly such salaries and allowances as may be  
respectively fixed by the Legislative Assembly of the Union territory  
by law and, until provision in that behalf is so made, such salaries 30  
and allowances as the Administrator may, with the approval of the  
President, by order determine.

Speaker or  
Deputy  
Speaker not  
to preside  
while a reso-  
lution for  
his removal  
from office  
is under  
considera-  
tion.

8. (1) At any sitting of the Legislative Assembly, while any reso-  
lution for the removal of the Speaker from his office is under con-  
sideration, the Speaker, or while any resolution for the removal of 35  
the Deputy Speaker from his office is under consideration, the Deputy  
Speaker, shall not, though he is present, preside and the provisions  
of sub-section (4) of section 7 shall apply in relation to every such  
sitting as they apply in relation to a sitting from which the Speaker  
or, as the case may be, the Deputy Speaker is absent. 40

(2) The Speaker shall have the right to speak in, and otherwise to  
take part in the proceedings of, the Legislative Assembly while

any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 12, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

9. (1) The Administrator may address the Legislative Assembly and may for that purpose require the attendance of members.

Right of Administrator to address and send messages to Legislative Assembly.

(2) The Administrator may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

10. \*\*\*Every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the Union territory, and to speak in, and otherwise to take part in the proceedings of any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Rights of Ministers as respects Legislative Assembly.

11. Every member of the Legislative Assembly of a Union territory shall, before taking his seat, make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

Oath or affirmation by members.

12. (1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of a Union territory shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.

(2) The Speaker or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly of a Union territory shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a Union territory shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly of a Union territory shall be\*\*\*one-third of the total number of members of the Assembly.

(5) If at any time during a meeting of the Legislative Assembly of a Union territory there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

Vacation of  
seats.

13. (1) No person shall be a member both of Parliament and of the Legislative Assembly of a Union territory and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in the rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the Union territory. 5 10

(2) If a member of the Legislative Assembly of a Union territory—

(a) becomes subject to any disqualification mentioned in section 14 for membership of the Assembly, or 15

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of a Union territory is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant: 20

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days. 25

Disquali-  
fications for  
member-  
ship.

14. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a Union territory—

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of any Union territory, other than an office declared by law made by parliament or by the Legislative Assembly of the Union territory not to disqualify its holder; or 30

(b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (b), sub-clause (c) or sub-clause (d), of clause (1) of article 102 or of any law made in pursuance of that article. 35

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union territory by reason only that he is a Minister either for the Union or for such  
5 State or Union territory.

(3) If any question arises as to whether a member of the Legislative Assembly of a Union territory has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the President and his  
10 decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

15 15. If a person sits or votes as a member of the Legislative Assembly of a Union territory before he has complied with the requirements of section 11 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.

20 16. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of every Union territory.

Powers, privileges, etc., of members.

(2) No member of the Legislative Assembly of a Union territory  
25 shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

30 (3) In other respects, the powers, privileges and immunities of the Legislative Assembly of a Union territory and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of subsections (1), (2) and (3) shall apply  
35 in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of a Union territory or any committee thereof as they apply in relation to members of that Assembly.

Salaries and allowances of members.

17. Members of the Legislative Assembly of a Union territory shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly of the Union territory by law and, until provision in that behalf is so made, such salaries and allowances as the Administrator may, with the approval of the President, by order determine. 5

Extent of legislative power.

18. (1) Subject to the provisions of this Act, the Legislative Assembly of a Union territory may make laws for the whole or any part of the Union territory with respect to any of the matters enumerated in the State List or\* the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories. 10

(2) Nothing in sub-section (1) shall derogate from the powers conferred on Parliament by the Constitution to make laws with respect to any matter for a Union territory or any part thereof. 15

Exemption of property of the Union from taxation.

19. The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly of a Union territory or by or under any other law in force in a Union territory:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within a Union territory from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as that tax continues to be levied in that Union territory. 20 25

Restrictions on laws passed by Legislative Assembly with respect to certain matters.

20. The provisions of article 286, article 287 and article 288 shall apply in relation to any law passed by the Legislative Assembly of a Union territory with respect to any of the matters referred to in those articles as they apply in relation to any law passed by the Legislature of a State with respect to those matters. 30

Inconsistency between laws made by Parliament and laws made by Legislative Assembly.

21. If any provision of a law made by the Legislative Assembly of a Union territory is repugnant to any provision of a law made by Parliament then the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the Union territory, shall prevail and the law made by the Legislative Assembly of the Union territory shall, to the extent of the repugnancy, be void. 35

*Explanation.*—For the purposes of this section, the expression “law made by Parliament” shall not include any law which provides for the extension to the Union territory of any law in force in any 40



other part of the territory of India or any law made before the commencement of this Act, in relation to any matter with respect to which the Legislative Assembly of the Union territory has power to make laws.

- 5     **22.** No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a Union territory without the previous sanction of the Administrator, if such Bill or amendment makes provision with respect to any of the following matters, namely:—
- 10             (a) constitution and organisation of the court of the Judicial Commissioner;
- (b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or the Concurrent List in the Seventh Schedule to the Constitution.
- 15     **23.** (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of a Union territory except on the recommendation of the Administrator, if such Bill or amendment makes provision for any of the following matters, namely:—
- 20             (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of the Union territory;
- 25             (c) the appropriation of moneys out of the Consolidated Fund of the Union territory;
- (d) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the Union territory or the increasing of the amount of any such expenditure;
- 30             (e) the receipt of money on account of the Consolidated Fund of the Union territory or the custody or issue of such money:

Sanction of the Administrator required for certain legislative proposals.

Special provisions as to financial Bills.

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

- 35     (2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for

the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes. 5

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of a Union territory shall not be passed by the Legislative Assembly of the Union territory unless the Administrator has recommended to that Assembly the consideration of the Bill. 1

Procedure as to lapsing of Bills. 24. (1) A Bill pending in the Legislative Assembly of a Union territory shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in the Legislative Assembly of a Union territory shall lapse on a dissolution of the Assembly.

Assent to Bills. 25. (1) When a Bill has been passed by the Legislative Assembly of a Union territory, it shall be presented to the Administrator and the Administrator shall reserve the Bill for the consideration of the President. 15

(2) When a Bill is reserved by an Administrator for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom: 2

Provided that the President may direct the Administrator to return the Bill to the Legislative Assembly together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration. 3

Requirements as to sanction and recommendations to be regarded as matters of procedure only. 26. No Act of the Legislative Assembly of a Union territory, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the President. 2

Annual financial statement. 27. (1) The Administrator of each Union territory shall in respect of every financial year cause to be laid before the Legislative Assembly of the Union territory, with the previous approval of the President, a statement of the estimated receipts and expenditure of the

Union territory for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

5 (a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Union territory, and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Union territory;  
10 and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of each Union territory:—

(a) the emoluments and allowances of the Administrator  
15 and other expenditure relating to his office as determined by the President by general or special order;

(b) the charges payable in respect of loans advanced to the Union territory from the Consolidated Fund of India including interest, sinking fund charges and redemption charges, and other  
20 expenditure connected therewith;

(c) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(d) expenditure in respect of the salaries and allowances of a Judicial Commissioner;

25 (e) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(f) expenditure incurred by the Administrator in the discharge of his special responsibility;

(g) any other expenditure declared by the Constitution or  
30 by law made by Parliament or by the Legislative Assembly of the Union territory to be so charged.

28. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of a Union territory shall not be submitted to the vote of the Legislative Assembly of a Union territory,  
35 but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

Procedure in Legislative Assembly with respect to estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein. 5

(3) No demand for a grant shall be made except on the recommendation of the Administrator.

Appropriation Bills.

29. (1) As soon as may be after the grants under section 28 have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Union territory of all moneys required to meet— 10

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the Union territory but not exceeding in any case the amount shown in the statement previously laid before the Assembly. 15

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the Union territory and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final. 2

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the Union territory except under appropriation made by law passed in accordance with the provisions of this section. 25

Supplementary, additional or excess grants.

30. (1) The Administrator shall—

(a) if the amount authorised by any law made in accordance with the provisions of section 29 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or 3

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for the year, 35

cause to be laid before the Legislative Assembly of the Union territory, with the previous approval of the President, another statement

showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the Union territory with such previous approval a demand for such excess, as the case may be.

5 (2) The provisions of sections 27, 28 and 29 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or the grant in respect of such demand as they have effect in  
10 relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or grant.

31. (1) Notwithstanding anything in the foregoing provisions of  
15 this Part, the Legislative Assembly of a Union territory shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 28 for the voting of such grant and the passing of the law in accordance with the provisions of section  
20 29 in relation to that expenditure and the Legislative Assembly shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of the Union territory for the purposes for which the said grant is made.

(2) The provisions of sections 28 and 29 shall have effect in relation  
25 to the making of any grant under sub-section (1) or to any law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund  
30 of the Union territory to meet such expenditure.

32. Notwithstanding anything in the foregoing provisions of this  
Part, the Administrator may authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for a period of not more than six months beginning with the date of the  
35 constitution of the Consolidated Fund of the Union territory, pending the sanction of such expenditure by the Legislative Assembly of the Union territory.

Rules of  
procedure.

33. (1) The Legislative Assembly of a Union territory may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Administrator shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(a) for securing the timely completion of financial business;

(b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the Union territory;

(c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Administrator in so far as he is required by this Act to act in his discretion.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before the commencement of this Act in any Union territory shall have effect in relation to the Legislative Assembly of that Union territory subject to such modifications and adaptations as may be made therein by the Administrator.

Official  
language  
or languages  
of Union  
territory  
and language  
or languages  
to be used in  
Legislative  
Assembly  
thereof.

34. \*\*\*\*\*(1) The Legislative Assembly of a Union territory may by law adopt any one or more of the languages in use in the Union territory or Hindi as the official language or languages to be used for all or any of the official purposes of the Union territory:

Provided that so long as the Legislative Assembly of the Union territory of Pondicherry does not decide otherwise, the French language shall continue to be used as an official language of that Union territory for the same official purposes for which it was being used in that territory immediately before the commencement of this Act:

Provided further that the President may by order direct—

(i) that the official language of the Union shall be adopted for such of the official purposes of the Union territory as may be specified in the order;

(ii) that any other language shall also be adopted throughout the Union territory or such part thereof for such of the official purposes of the Union territory as may be specified in the order, if the President is satisfied that a substantial proportion of the

population of the Union territory desires the use of that other language for all or any of such purposes.

(2) The business in the Legislative Assembly of a Union territory shall be transacted in the official language or languages of the Union territory or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the Assembly in his mother-tongue.

35. Notwithstanding anything contained in section 34, until Parliament by law otherwise provides, the authoritative texts— Language to be used for Acts, Bills, etc.

(a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly of a Union territory,

(b) of all Acts passed by the Legislative Assembly of a Union territory, and

(c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly of a Union territory, shall be in the English language:

Provided that where the Legislative Assembly of a Union territory has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly of the Union territory or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly of the Union territory, a translation of the same in the English language published under the authority of the Administrator in the Official Gazette shall be deemed to be the authoritative text thereof in the English language.

36. No discussion shall take place in the Legislative Assembly of a Union territory with respect to the conduct of any Judicial Commissioner or of any judge of the Supreme Court or of a High Court in the discharge of his duties. Restriction on discussion in the Legislative Assembly.

37. (1) The validity of any proceedings in the Legislative Assembly of a Union territory shall not be called in question on the ground of any alleged irregularity of procedure. Courts not to inquire into proceedings of Legislative Assembly.

(2) No officer or member of the Legislative Assembly of a Union territory in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

## PART III

## DELIMITATION OF CONSTITUENCIES

**Definitions.** 38. In this Part, unless the context otherwise requires,—

(a) "associate member" means a member associated with the Delimitation Commission under section 42; 5

(b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Commission Act, 1962;

61 of 1962.

(c) "latest census figures" mean the census figures in a Union territory ascertained at the latest census of which the finally published figures are available; 10

(d) "parliamentary constituency" means a constituency provided by law for the purpose of elections to the House of the People from a Union territory including the Union territory of Delhi. 15

**Assembly constituencies.**

39. For the purpose of elections to the Legislative Assembly of a Union territory, the Union territory shall be divided into single-member assembly constituencies in accordance with the provisions of this Part in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Union territory. 20

**Representation of Pondicherry in the House of the People.**

40. There shall be allotted one seat to the Union territory of Pondicherry in the House of the People and that Union territory shall form one parliamentary constituency.

**Duties of Delimitation Commission.**

41. (1) It shall be the duty of the Delimitation Commission— 25

(a) to delimit the assembly constituencies in each Union territory, and

(b) to determine, on the basis of the latest census figures, the number of seats to be reserved for the scheduled castes and for the scheduled tribes in the Legislative Assembly of a Union territory other than the Union territory of Goa, Daman and Diu, and the constituencies in which these seats shall be so reserved. 30

(2) It shall also be the duty of the Delimitation Commission—

(a) to readjust, on the basis of the latest census figures, the division of each of the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura into parliamentary constituencies, the total number thereof remaining the same; 35



(b) to determine the constituency in which the seat shall be reserved for the scheduled castes or for the scheduled tribes, as the case may be; and

(c) to divide the Union territory of Goa, Daman and Diu into two single-member parliamentary constituencies.

42. (1) For the purpose of assisting the Delimitation Commission in its duties, the Delimitation Commission shall associate with itself,— Associate members.

(a) in respect of the Union territory of Delhi, all the members of the House of the People representing that Union territory;

(b) in respect of each of the Union territories of Himachal Pradesh, Manipur and Tripura, all the members of the House of the People representing that Union territory and three members of the Legislative Assembly of that Union territory to be nominated by the Speaker of the Assembly from among the members thereof;

(c) in respect of the Union territory of Goa, Daman and Diu, the two members of the House of the People representing that Union territory;

(d) in respect of the Union territory of Pondicherry, three members of the Legislative Assembly of that Union territory to be nominated by the Speaker of the Assembly from among the members thereof.

(2) The nomination of members of the several Legislative Assemblies under sub-section (1) shall be made by the respective Speakers thereof as soon as practicable and shall be communicated to the Delimitation Commission.

(3) If owing to death or resignation the office of an associate member falls vacant, it shall be filled as soon as practicable under and in accordance with the foregoing provisions of this section.

(4) None of the associate members shall have the right to vote or to sign any decision of the Delimitation Commission.

43. The provisions of sections 7, 9, 10 and 11 of the Delimitation Commission Act, 1962, shall apply, as far as may be, in relation to the delimitation of parliamentary and assembly constituencies under this Part as they apply in relation to the delimitation of parliamentary and assembly constituencies under that Act. Procedure as to delimitation.

## PART IV

## COUNCIL OF MINISTERS

Council of  
Ministers.

44. (1) There shall be a Council of Ministers in each Union territory with the Chief Minister at the head to aid and advise the Administrator in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the Union territory has power to make laws except in so far as he is required by or under this Act to act in his discretion or by or under any law to exercise any judicial or quasi-judicial functions: 5

Provided that, in case of difference of opinion between the Administrator and his Ministers on any matter, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary. 15

\* \* \* \* \*

(2) In the exercise of his functions the Administrator of each of the Union territories of Himachal Pradesh, Manipur and Tripura shall have special responsibility for the security of the border and for that purpose he may issue such directions and take such measures as he may think necessary. 20

(3) If and in so far as any special responsibility of the Administrator is involved under this Act, he shall, in the exercise of his functions, act in his discretion. 25

(4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final. 30

\* \* \* \* \*

(5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final. 35

(6) The question whether any, and if so what, advice was tendered by Ministers to the Administrator shall not be inquired into in any court.

45. (1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister. Other provisions as to Ministers.

(2) The Ministers shall hold office during the pleasure of the President.

(3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the Union territory.

(4) Before a Minister enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the First Schedule.

(5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the Union territory shall at the expiration of that period cease to be a Minister.

(6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the Union territory may from time to time by law determine, and until the Legislative Assembly so determines, shall be determined by the Administrator with the approval of the President.

46. (1) The President shall make rules—

Conduct of business.

(a) for the allocation of business to the Ministers; and

(b) for the more convenient transaction of business with the Ministers including the procedure to be adopted in the case of a difference of opinion between the Administrator and the Council of Ministers or a Minister.

(2) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Administrator.

(3) Orders and other instruments made and executed in the name of the Administrator shall be authenticated in such manner as may be specified in rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator.

## PART V

## MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Consolidated  
Fund of the  
Union  
territory.

47. (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all revenues received in a Union territory by the Government of India or the Administrator of the Union territory in relation to any matter with respect to which the Legislative Assembly of the Union territory has power to make laws, and all grants made and all loans advanced to the Union territory from the Consolidated Fund of India and all moneys received by the Union territory in repayment of loans shall form one Consolidated Fund to be entitled "the Consolidated Fund of the Union territory".

(2) No moneys out of the Consolidated Fund of a Union territory shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act.

(3) The custody of the Consolidated Fund of a Union territory, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Administrator with the approval of the President.

Contingency  
Fund of the  
Union  
territory.

48. (1) There shall be established a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the Union territory" into which shall be paid from and out of the Consolidated Fund of the Union territory such sums as may, from time to time, be determined by law made by the Legislative Assembly of the Union territory; and the said Fund shall be held by the Administrator to enable advances to be made by him out of such Fund.

(2) No advances shall be made out of the Contingency Fund of the Union territory except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly of the Union territory under appropriations made by law.

(3) The Administrator may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the Contingency Fund of the Union territory.

49. The reports of the Comptroller and Auditor-General of India relating to the accounts of a Union territory for any period subsequent to the date referred to in sub-section (1) of section 47 shall be submitted to the Administrator who shall cause them to be laid before the Legislative Assembly of the Union territory.

Audit reports.

50. Notwithstanding anything in this Act, the Administrator and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

Relation of Administrator and his Ministers to President.

51. If the President, on receipt of a report from the Administrator of a Union territory or otherwise, is satisfied—

Provision in case of failure of constitutional machinery.

(a) that a situation has arisen in which the administration of the Union territory cannot be carried on in accordance with the provisions of this Act, or

(b) that for the proper administration of the Union territory it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory in accordance with the provisions of article 239.

52. (1) There shall be a Standing Committee of the Legislative Assembly of the Union territory of Manipur consisting of all the members of the Legislative Assembly who for the time being represent the constituencies situated in the Hill Areas of that territory:

Special provision for Hill Areas of Manipur.

Provided that the Chief Minister and the Speaker shall not be members of the Standing Committee.

(2) The President may by notification determine the area which shall be regarded as the Hill Areas of Manipur and specify the constituencies situated in the Hill Areas.

(3) Every Minister shall have the right to speak in, and otherwise take part in the proceedings of, the Standing Committee, but shall not, by virtue of such right, be entitled to vote at any meeting of the Committee if he is not a member thereof.

(4) The following matters in so far as they relate to the Hill Areas of Manipur shall be within the purview of the Standing Committee to the extent and in the manner provided by this section, namely:—

(a) the allotment, occupation, or use, or the setting apart of land (other than any land which is a reserved forest) for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town situated within the Hill Areas: 5

Provided that nothing in this clause shall be deemed to require the reference to the Standing Committee of any proposal for compulsory acquisition of any land for a public purpose; 10

(b) the management of any forest not being a reserved forest;

(c) the use of any canal or water course for purposes of agriculture; 15

(d) the regulation of the practice of *jhum* or other forms of shifting cultivation;

(e) the establishment of village or town committees or councils and their powers; and any other matter relating to village or town administration, including village or town police and public health and sanitation; 20

(f) the appointment or succession of chiefs or headmen;

(g) the inheritance of property;

(h) marriage; and 25

(i) social customs.

(5) Every Bill which is not a financial Bill and contains mainly provisions dealing with matters specified in sub-section (4) shall, upon introduction in the Legislative Assembly of the Union territory of Manipur, be referred to the Standing Committee for consideration and report to the Legislative Assembly. 30

(6) If any question arises whether a Bill attracts the provisions of sub-section (5) or not, the question shall be referred to the Administrator and his decision thereon shall be final.

(7) Any Bill referred to the Standing Committee under sub-section (5) may, if so recommended by the Standing Committee, be passed by the Legislative Assembly with such variations as may be necessary in its application to areas other than the Hill Areas. 35

(8) When a Bill as reported by the Standing Committee is not passed by the Legislative Assembly in the form in which it has been reported but is passed in a form which, in the opinion of the Speaker, is substantially different from that as reported by the Standing Committee, or is rejected by the Legislative Assembly, the Speaker shall submit to the Administrator--

10 (a) in any case where the Bill has been passed by the Legislative Assembly in a substantially different form, the Bill as passed by the Assembly together with the Bill as reported by the Standing Committee;

(b) in any case where the Bill is rejected by the Assembly, the Bill as reported by the Standing Committee.

(9) The Administrator shall, as soon as possible after the submission to him of the Bill, return the Bill to the Legislative Assembly  
15 with a message recommending either that the Bill be withdrawn or that it be passed in the form in which it has been reported by the Standing Committee or in the form in which it has been passed by the Legislative Assembly and the message received from the Administrator shall be reported by the Speaker to the Assembly and  
20 accordingly, the Bill shall be deemed to have been withdrawn, or as the case may be, be deemed to have been passed by the Assembly in the form recommended by the Administrator.

(10) The Standing Committee shall have power to consider and pass resolutions recommending to the Administrator any legislative  
25 or executive action with respect to matters specified in sub-section (4), so however that the executive action relates to general questions of policy and the legislative or executive action does not involve any financial commitments other than expenditure of a routine and incidental character.

30 (11) The Council of Ministers shall normally give effect to the recommendations of the Standing Committee under sub-section (10) but if the Council is of the opinion that it would not be expedient to do so or that the Standing Committee was not competent to make any such recommendations, the matter shall be referred to the  
35 Administrator whose decision thereon shall be final and binding on the Council and action shall be taken accordingly.

(12) The Administrator shall have special responsibility for securing the proper functioning of the Standing Committee in accordance with this section.

Provisions  
for election  
to Parlia-  
ment from  
Goa, Daman  
and Diu,  
and Pondi-  
cherry.

53. (1) As soon as practicable after the commencement of this Act, elections shall be held in accordance with law—

(a) to fill the seats in the House of the People allotted to the Union territory of Goa, Daman and Diu; and

(b) to fill the seat in the House of the People and the seat in the Council of States allotted to the Union territory of Pondicherry. 5

(2) Notwithstanding anything contained in any other law for the time being in force, the members nominated to represent the Union territory of Goa, Daman and Diu in the House of the People shall continue to be such until the election of the members to fill the two seats in that House allotted to that Union territory: 10

Provided that where the dates of election of the members are different, the members so nominated shall cease to be members of that House on the earlier of those two dates. 15

*Explanation.*—In this sub-section, the expression “date of election” has the same meaning as in section 67A of the Representation of the People Act, 1951. 43 of 1951.

Provisions  
as to pro-  
visional  
Legislative  
Assemblies  
of certain  
Union  
territories.

54. (1) In this section “constituency” means—

(a) in each of the Union territories of Himachal Pradesh, Manipur and Tripura, a territorial council constituency provided in accordance with the provisions of the Territorial Councils Act, 1956, for the purpose of elections to a Territorial Council constituted under that Act; 103 of 1956.

(b) in the Union territory of Pondicherry, a territorial constituency provided in accordance with the provisions of the State of Pondicherry (Representation of the People) Order, 1955, for the purpose of elections to the Representative Assembly of the State of Pondicherry.

(2) Notwithstanding anything in this Act, until the Legislative Assembly of each of the Union territories of Himachal Pradesh, Manipur, Tripura and Pondicherry has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, the following provisions shall apply in relation to the Legislative Assembly of each of those Union territories, namely:— 30 35

(a) every constituency in existence immediately before the commencement of this Act shall on and from such commencement be deemed to be an assembly constituency of the same



name for the purpose of elections to the Legislative Assembly of the Union territory under this section;

5 (b) the seat reserved in any constituency for the scheduled castes in the Union territory of Himachal Pradesh shall be reserved in the assembly constituency of the same name for those castes;

10 (c) every person who immediately before the commencement of this Act is a member elected from a constituency to fill a seat in the Territorial Council of Himachal Pradesh, Manipur or Tripura or in the Representative Assembly of Pondicherry shall, on and from such commencement, represent the assembly constituency of the same name in the Legislative Assembly and shall be deemed to have been elected to the Legislative Assembly from that constituency, and every person who immediately  
15 before such commencement is a member nominated to the Territorial Council by the Central Government shall be deemed to have been nominated to the Legislative Assembly;

and accordingly on the commencement of this Act, the Legislative Assembly of the Union territory shall, without any further action or  
20 step being taken in this behalf, be deemed to be\* duly constituted:\*\*\*

Provided that a person who, immediately before the commencement of this Act, is a member of the Representative Assembly of Pondicherry shall not become a member of the Legislative Assembly  
25 thereof unless he is a citizen of India.

(3) The period of five years referred to in section 5 shall in the case of a Legislative Assembly functioning under this section be deemed to have commenced—

30 (i) in the case of the Legislative Assembly of the Union territory of Himachal Pradesh, on the 3rd August, 1962;

(ii) in the case of the Legislative Assembly of the Union territory of Manipur, on the 3rd August, 1962;

(iii) in the case of the Legislative Assembly of the Union territory of Tripura, on the 1st August, 1962; and

35 (iv) in the case of the Legislative Assembly of the Union territory of Pondicherry, on the 25th August, 1959.

(4) In other respects, the provisions of Part II shall, so far as may be, apply in relation to a Legislative Assembly functioning under this section as they apply in relation to a Legislative  
40 Assembly constituted under and in accordance with the provisions of that Part.

Contracts  
and suits.

55. For the removal of doubts it is hereby declared that—

(a) all contracts in connection with the administration of a Union territory are contracts made in the exercise of the executive power of the Union;

(b) all suits and proceedings in connection with the administration of a Union territory shall be instituted by or against the Government of India. 5

Power of  
President to  
remove  
difficulties.

56. If any difficulty arises in relation to the transition from the provisions of any of the laws repealed by this Act or in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for any Union territory, the President may by order do anything not inconsistent with the provisions of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty. 10

Amendment  
of certain  
enactments.

57. (1) The enactments specified in the Second Schedule— 15

(a) shall, together with all rules, notifications and orders made or issued thereunder, extend to and come into force in the Union territories of Goa, Daman and Diu, and Pondicherry; and

(b) shall, in their application to the Union territories specified in clause (h) of sub-section (1) of section 2, be subject to the amendments mentioned in the fourth column of the said Schedule. 20

(2) All things done, and all steps taken, before the commencement of this Act in connection with the preparation or revision of electoral rolls for the purpose of elections to the House of the People from the Union territories of Goa, Daman and Diu, and Pondicherry, and to the Legislative Assemblies of those Union territories shall, in so far as they are in conformity with the provisions of the Representation of the People Act, 1950, as amended by this Act, be deemed to have been done in accordance with law. 25

43 of 1951.

Repeal and  
savings.

58. (1) The following laws are hereby repealed:— 30

(a) the Territorial Councils Act, 1956; 103 of 1956.

(b) the Decree No. 46-2381, dated the 25th October, 1946, as subsequently amended, relating to the Representative Assembly of the State of Pondicherry;

(c) the Decree No. 47-1490, dated the 12th August, 1947, as subsequently amended, relating to the setting up of a Council of Government in the State of Pondicherry; 35

(d) the State of Pondicherry (Representation of the People) Order, 1955, in so far as it relates to the Representative Assembly of Pondicherry. 40

103 of 1956.

(2) Notwithstanding the repeal of the Territorial Councils Act, 1956,—

5 (a) every officer and other employee of the Territorial Council of a Union territory serving under the Council immediately before such repeal shall become an officer or other employee of Government and shall be employed in connection with the administration of the Union territory with such designation as the Administrator may determine and shall hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have but for such repeal held the same and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Administrator:

Provided that—

15 (i) the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government;

20 (ii) any service rendered by any such officer or other employee before such repeal shall be deemed to be service rendered in connection with the administration of the Union territory;

25 (iii) the Administrator may employ any such officer or other employee in the discharge of such functions as the Administrator may think proper and every such officer or other employee shall discharge those functions accordingly;

30 (b) anything done or any action taken (including any notification, order, scheme, rule, form, notice or bye-law made or issued, any licence or permission granted) under the repealed Act shall in so far as it is not inconsistent with the provisions of this Act, continue in force unless and until it is superseded by anything done or any action taken in accordance with law;

35 (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Territorial Council before such repeal shall be deemed to have been incurred, entered into or engaged to be done in exercise of the executive power of the Union for the purposes of the administration of the Union territory;

40 (d) all assessments, valuations, measurements or divisions made by the Territorial Council shall, in so far as they are not

inconsistent with the provisions of this Act, continue in force unless and until they are superseded by any assessment, valuation, measurement or division made by the Administrator in accordance with law:

(e) all properties, movable and immovable, and all interests of whatsoever nature and kind, vested in the Territorial Council immediately before such repeal shall, with all rights of whatsoever description, used, enjoyed or possessed by that Council, vest in the Union for the purposes of the administration of the Union territory; 5 10

(f) all rates, taxes, cesses, fees, rents, fares and other charges which immediately before such repeal were being lawfully levied by the Territorial Council shall continue to be levied at the same rate at which they were being levied by the Council immediately before such repeal until provision to the contrary is made by law; 15

(g) all rates, taxes, cesses, fees, rents, fares and other charges due to the Territorial Council immediately before such repeal shall be deemed to be due to the Union in connection with the administration of the Union territory; 20

(h) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Territorial Council may be continued or instituted by or against the Government of India.

## THE FIRST SCHEDULE

[See sections 4 (a), 11 and 45 (4)]

## FORMS OF OATHS OR AFFIRMATIONS

## I

5 FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR  
ELECTION TO THE LEGISLATIVE ASSEMBLY

"I, A.B., having been nominated as a candidate to fill a seat in the  
Legislative Assembly of— do swear in the name of God  
10 solemnly affirm  
that I will bear true faith and allegiance to the Constitution of India  
as by law established and that I will uphold the sovereignty and  
integrity of India."

## II

15 FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE  
LEGISLATIVE ASSEMBLY OF A UNION TERRITORY

"I, A.B., having been elected (or nominated) a member of the  
Legislative Assembly of— do swear in the name of God  
20 solemnly affirm  
that I will bear true faith and allegiance to the Constitution of India  
as by law established, that I will uphold the sovereignty and integrity  
of India and that I will faithfully discharge the duty upon which I  
am about to enter."

## III

25

FORM OF OATH OF OFFICE FOR A MEMBER OF THE COUNCIL OF MINISTERS  
OF A UNION TERRITORY

"I, A.B., do swear in the name of God  
30 solemnly affirm that I will bear true faith  
and allegiance to the Constitution of India as by law established,  
that I will uphold the sovereignty and integrity of India, that I will  
faithfully and conscientiously discharge my duties as a Minister for  
the Union territory of—, and that I will do right to all  
35 manner of people in accordance with the Constitution and the law  
without fear or favour, affection or ill-will."

## IV

FORM OF OATH OF SECRECY FOR A MEMBER OF THE COUNCIL OF MINISTERS  
OF A UNION TERRITORY

"I, A.B., do swear in the name of God that I will not directly or 5  
solemnly affirm  
indirectly communicate or reveal to any person or persons any mat-  
ter which shall be brought under my consideration or shall become  
known to me as a Minister for the Union territory of—  
except as may be required for the due discharge of my duties as such 10  
Minister."

## THE SECOND SCHEDULE

(See section 57)

## ENACTMENTS AMENDED

Year	Number	Short title	Amendments
1	2	3	4
1950	43	The Representation of the People Act, 1950.	<p>In section 4, in sub-section (1), the words "to Goa, Daman and Diu" shall be omitted.</p> <p>In section 13B, in sub-section (1), for the words "a Union territory", the words "the Union territory of Delhi" shall be substituted.</p> <p>In section 13D, in sub-sections (1) and (2), for the words "a Union territory", the words "the Union territory of Delhi" shall be substituted.</p> <p>In section 27A, —</p> <p>(f) sub-section (2) shall be omitted;</p> <p>(g) for sub-section (4), the following sub-section shall be substituted, namely:—</p> <p>"(4) The electoral college for each of the Union territories of Himachal Pradesh, Manipur, Tripura and Pondicherry shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of Union Territories Act, 1963."</p> <p>In the First Schedule,</p> <p>(i) after the entry "24. Goa, Daman and Diu..2", the entry "25. Pondicherry . . . 1" shall be inserted and the existing entry relating to North East Frontier Tract shall be renumbered as entry 26;</p> <p>(ii) for the total, the following total shall be substituted, namely:—</p> <p>"TOTAL . . . 508".</p> <p>In the Second Schedule, after entry 15 relating to Nagaland, the following entries shall be inserted, namely:—</p> <p>"16. Himachal Pradesh . . . 40  17. Manipur . . . 30  18. Tripura . . . 30  19. Goa, Daman and Diu . . . 30  20. Pondicherry . . . 30"</p> <p>The Fifth Schedule, shall be omitted.</p>

Year	Number	Short title	Amendments
1	2	3	4
1951	43	The Representation of the People Act, 1951.	<p>In section 4, the words "to Goa, Daman and Diu" shall be omitted.</p> <p>In section 15, in sub-section (2),— 5</p> <p>(i) for the words "the Governor", the words "the Governor or Administrator, as the case may be" shall be substituted;</p> <p>(ii) in the proviso, the words and figures "or under the provisions of section 5 of the Government of Union Territories Act, 1963, as the case may be" shall be added at the end. 10</p> <p>In section 32, the words and figures "or under the provisions of the Government of Union Territories Act, 1963, as the case may be." shall be added at the end. 15</p> <p>In section 36, in clause (a) of sub-section (2),— 20</p> <p>(i) the word "and" occurring after the figures "191" shall be omitted</p> <p>(ii) for the words and figures "Part II of this Act", the words and figures "Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963" shall be substituted. 25</p> <p>In section 55, the words and figure "or under the Government of Union Territories Act, 1963, as the case may be." shall be added at the end. 30</p> <p>In section 100, in clause (a) of sub-section (1), after the words "this Act", the words and figures "or the Government of Union Territories Act, 1963." shall be inserted. 35</p>
1956	37	The States Reorganisation Act, 1956.	<p>In section 15 of the States Reorganisation Act, 1956,— 40</p> <p>(i) in clause (d), after the word "Maharashtra", the words "and the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu" shall be inserted; 45</p> <p>(ii) in clause (e), after the word "Kerala", the words "and the Union territory of Pondicherry" shall be inserted.</p>

M. N. KAUL,  
Secretary.